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EXAMINER
TIV, BACKHEAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/701,014	MAI, ANTHONY	
Office Action Summary	Examiner	Art Unit	
	BACKHEAN TIV	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>RCE filed 9/19/08</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

Claims 1-30 are pending in this application. Claims 1-30 have been amended.

This is a response to the RCE filed on 9/19/08.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and
> process of making and using it, in such full, clear, concise, and exact terms as to enable any
> person skilled in the art to which it pertains, or with which it is most nearly connected, to make
> and use the same and shall set forth the best mode contemplated by the inventor of carrying
> out his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 1-30, recites the limitation, "wherein said redundancy update message is a message indicating that the first/second peer system is not to receive a new message from the third/first peer system because the new message has an alternate path to the first/second peer system". The applicant has pointed to para.0103-0112 as providing support for the amendment

Para.0103-0112 describes, each peer includes a list of messages received to avoid relaying the same message twice. The recipient peer builds a redundancy update message identifying the origin of the message and information identifying the recipient peer. The recipient peer sends the redundancy update message to the sender of the redundant message. The sender of the redundant message receives the redundancy update message and

updates the redundancy list for the sender. The sender adds an entry to the
sender's redundancy list indicating that the sender should not send a message
originating from the indicated origin to the recipient peer.

Para.0103-0112, however does not describe, redundancy update
message is a message indicating the first/second peer is not to receive a new
message from the third/first peer **because the new message has an alternate
path to the first/second peer**, no where in para.0103-0112 does it discuss an
alternate path to the first peer system, nor does it describe a situation where the
third peer sends a new message.

The Office did a text query of the specification and can not even find the
term "alternate path" or it's synonym.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described
as set forth in section 102 of this title, if the differences between the subject matter sought to
be patented and the prior are such that the subject matter as a whole would have been
obvious at the time the invention was made to a person having ordinary skill in the art to which
said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

Claims 1-8,10,14-19,21-24,26-29 are rejected under 35 U.S.C. 103(a) as
being unpatentable over EP 0913,965 issued to Mahe in view of US Patent
7,177,950 issued to Narayan et al.(Narayan) in further view of US Publciation
2005/0080858 issued to Pessach in further view of US Publication 2004/0103179

issued to Damm et al.(Damm) in further view of US Publication 2005/0063409
issued to Oommen.

As per claim 1, Mahe teaches a method of building a redundancy list in a
peer system in a peer-to-peer relay network(Abstract, Fig.1), comprising:
receiving a first message including first identification information at a first peer
system from a second peer system connected to said first peer system in a peer-
to-peer relay network(Abstract, para.0059-0063); storing said first identification
information(Abstract, para.0059-0063); receiving a second message including
second identification information at said to first peer system from a third peer
system connected to said first peer system in said peer-to-peer relay
network(para.0070-0072); comparing said second identification information with
said first identification information(Abstract, para.0070-0072).

Mahe however does not explicitly teach building a redundancy update
message when said comparison of said first identification information to said
second identification information identifies the first message and the second
message as the same message; wherein said redundancy update message is a
message indicating that the first peer system is not to receive a new message
from the third peer system because the new message has an alternate path to
the first peer system, and sending said redundancy update message to said
third peer system and wherein the redundancy update message comprises
information identifying the first peer system as an origin peer system and
information identifying the third peer system as a source peer system and

indicates that a next message from the source peer system is not to be sent to the origin peer system.

Narayan explicitly teaches building a redundancy update message(col.6, lines 54-67, col.7, lines 20-32); and sending said redundancy update message to said third peer system(col.7, lines 20-57); information identifying a source peer system(col.7, lines 20-57).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe to include teach building a redundancy update message; and sending said redundancy update message to said third peer system as taught by Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

One ordinary skill in the art would have been motivated to combine the teachings of Mahe and Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

Pessach teaches information identifying an origin peer system(Abstract, para.0062) and comparing identification in messages to determine whether the messages are the same(Abstract,para.0076).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe in view of Narayan to include information identifying an origin as taught by Pessach in order to determine the origin of certain messages.

One ordinary skill in the art would have been motivated to combine the teachings of Mahe, Narayan, and Pessach in order to determine the origin of certain messages.

Damm teaches indicates that a next message from the source peer system is not to be sent to the origin peer system(Fig.1-2, teaches messages are sent from one node to another down the chain either clockwise or counterclockwise, messages are sent from node 1 to node 2, from node 2 to node 3).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe in view of Narayan in further view of Pessach to include not sending messages from a source peer system to an origin peer as taught by Damm in order to update topology(Damm, para.0001).

One ordinary skill in the art would have been motivated to combine the teachings of Mahe, Narayan, Pessach, and Damm in order to update topology(Damm, para.0001).

Oommen teaches sending messages to a peer using a different path(Fig.5, para.0026).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe in view of Narayan, Pessach in view of Damm to include ending messages to a peer using a different path as taught by Oommen in order to send messages to different devices that are on different networks(Oommen, para.0024).

One ordinary skill in the art would have been motivated to combine the teachings of Mahe, Narayan, Pessach, Damm, and Oommen in order to send messages to different devices that are on different networks(Oommen, para.0024).

As per claims 14,21,26, do not teach or further define over the limitations in claims 1 . Therefore claims 14,21,26 are rejected for the same reasons set forth above.

As per claim 2, the method of claim 1, wherein: wherein said second identification information is the same as said first identification information(Mahe, para.0082-0083).

As per claim 3, the method of claim 1, wherein: a message includes data to be relayed, an origin identifier, a sequence value, and addressing information, and the origin identifier of a message indicates an origin peer system (Mahe, para.0063).

As per claim 4, the method of claim 3, wherein: comparing said second identification information with said first identification information includes: comparing the origin identifier of said first message with the origin identifier of said second message, and comparing the sequence value of said first message with the sequence value of said second message(Mahe, para.0059-0063,0068-0071).

As per claim 5, the method of claim 3, wherein: said redundancy update message includes an origin identifier and a recipient identifier, the origin identifier of said redundancy update message indicates the origin peer system that is the

same as the origin peer system indicated by the origin identifier of said first

message and of said second message, and to the recipient identifier of said

redundancy update message indicates said first peer system(Mahe, para.0082-

0089).

As per claim 6, the method of claim 1, further comprising: disconnecting

said first peer system from a connected peer system; building a clear redundancy

message; and sending said clear redundancy message from said first peer

system to each peer system connected to said first peer system in said peer-to-

peer relay network(Narayan, col.7, lines 20-57).Motivation to combine set forth in

claim 1.

As per claim 7, the method of claim 6, wherein: said clear redundancy

message includes a recipient identifier indicating said first peer system(Mahe,

para.0082-0089, Narayan, col.7, lines 20-57). Motivation to combine set forth in

claim 1.

As per claim 8, the method of claim 6, wherein: said connected peer

system is said second peer system or said third peer system(Mahe, para.0082-

0089, Narayan, col.7, lines 20-57). Motivation to combine set forth in claim 1.

As per claim 10, the method of claim 1, wherein: the data relayed by peer

systems is update data for a network environment(Narayan, Fig.2). Motivation to

combine set forth in claim 1.

As per claim 15, the method of claim 14, wherein: a message includes

data to be relayed, an origin identifier, a sequence value, and addressing

information, and the origin identifier of a message indicates an origin peer system(Mahe, para.0063).

As per claim 16, the method of claim 15, wherein: the message identifier of an entry in said redundancy list indicates an origin peer system(Mahe, para.0063).

As per claim 17, the method of claim 14, wherein: said redundancy update message indicates identification information that is the same as the identification information of said message sent to said second peer system(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 14.

As per claim 18, the method of claim 14, further comprising: receiving a clear redundancy message including a recipient identifier indicating a connected peer system; and updating a redundancy list by removing any entries in said redundancy list indicating said third peer system as the recipient identifier of that entry(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 14.

As per claim 19, the method of claim 18, wherein: said connected peer system is said second peer system(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 14.

As per claim 22, the peer system of claim 21, further comprising: means for building a clear redundancy message; and means for sending said clear redundancy message from said peer system to each peer system connected to said first peer system in said peer-to-peer relay network(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 1.

As per claim 23, the peer system of claim 21, further comprising: means for sending a message including identification information to a recipient peer system connected to said peer system in a peer-to-peer relay network(Mahe, para.0082-0089); means for receiving a redundancy update message from said recipient peer system(Narayan, col.7, lines 20-57); and means for updating a redundancy list including one or more entries(Narayan, col.7, lines 20-57); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said peer system is not to send a message to the peer system indicated by the entry when the message includes identification information matching the message identifier indicated by the entry(Mahe, Abstract). Motivation to combine set forth in claim 21.

As per claim 24, the peer system of claim 21, further comprising: means for receiving a clear redundancy message including a recipient identifier indicating a disconnected peer system; and means for updating a redundancy list by removing any entries in said redundancy list indicating said disconnected peer system as the recipient identifier of that entry(Narayan, col.7, lines 20-57); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said peer system is not to send a message to the peer system indicated by the entry when the message includes identification information matching the message identifier indicated by the entry(Mahe, Abstract).Motivation to combine set forth in claim 21.

As per claim 27, the computer program of claim 26, further comprising instructions that cause a computer to: build a clear redundancy message; and

send said clear redundancy message from said peer system to each peer system connected to said first peer system in said peer-to-peer relay network(Narayan, col.7, lines 20-57). Motivation to combine set forth in claim 26.

As per claim 28, the computer program of claim 26, further comprising instructions that cause a computer to: send a message including identification information to a recipient peer system connected to said peer system in a peer-to-peer relay network(Mahe, Abstract); process a received redundancy update message from said recipient peer system(Narayan, col.7, lines 20-57); and update a redundancy list including one or more entries(Narayan, col.7, lines 20-57); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said peer system is not to send a message to the peer system indicated by the entry when the message includes identification information matching the message identifier indicated by the entry(Mahe, Abstract).Motivation to combine set forth in claim 26.

As per claim 29, the computer program of claim 26, further comprising instructions that cause a computer to: process a received clear redundancy message including a recipient identifier indicating a disconnected peer system(Narayan, col.7, lines 20-57); and update a redundancy list by removing any entries in said redundancy list indicating said disconnected peer system as the recipient identifier of that entry(Narayan, col.7, lines 20-57); wherein each

entry in said redundancy list stores a recipient identifier indicating a peer system

and a message identifier, such that an entry indicates said peer system is not to

send a message to the peer system indicated by the entry when the message

includes identification information matching the message identifier indicated by

the entry Mahe, Abstract).Motivation to combine set forth in claim 26.

        Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over EP 0913,965 issued to Mahe in view of US Patent 7,177,950 issued to

Narayan et al.(Narayan) in further view of US Publciation 2005/0080858 issued

to Pessach in further view of US Publication 2004/0103179 issued to Damm et

al.(Damm) in further view of US Publication 2005/0063409 issued to Oommen in

further view of US Patent 6,701,344 issued to Holt et al.(Holt)

        Mahe in view of Narayan in further view of Pessach in further view of

Damm in further view of Oommen teaches all the limitations of claim 1, however

does not explicitly teach as per claim 11, the method of claim 1, wherein: the

data relayed by peer systems is update data for an online game.

        Holt teaches as per claim 11, the method of claim 1, wherein: the data

relayed by peer systems is update data for an online game(Abstract, col.16, lines

29-46).

        Therefore it would have been obvious to one ordinary skill in the art at the

time of the invention to modify the teachings of Mahe in view of Narayan in

further view of Pessach in further view of Oommen to include the data relayed by

peer systems is update data for an online game as taught by Holt in order to inform peers of current games and who are playing the games.

One ordinary skill in the art would have been motivated to combine the teachings of Mahe, Narayan, Pessach, Oommen Damm and Holt in order to inform peers of current games and who are playing the games.

As per claim 12, the method of claim 1, wherein: at least one peer system is a network-enabled game console(Holt, col.16, lines 29-46).Motivation to combine set forth in claim 11.

As per claim 13, the method of claim 1, wherein: at least two peer systems are connected through the Internet(Holt, Abstract). Motivation to combine set forth in claim 11.

Claims 9,20,25,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahe in view of US Patent 7,177,950 issued to Narayan et al.(Narayan) in further view of US Publciation 2005/0080858 issued to Pessach in further view of US Publication 2004/0103179 issued to Damm et al.(Damm) in further view of US Publication 2005/0063409 issued to Oommen in further view of US Patent 6,668,283 issued to Sitaraman et al.(Sitaraman).

Mahe in view of Narayan in further view of Pessach in further view of Damm in further view of Oommen teaches all the limitations of claim 1, however does not explicitly teach as per claim 9, the method of claim 1, wherein: each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to

connect, and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system.

Sitaraman teaches each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to connect, and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system(Abstract, Fig.3, col.5, lines 44-col.6, line 18).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe in view of Narayan in further view of Pessach in further view of Damm in further view of Oommen to include each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to connect, and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system as taught by Sitaraman in order to limit the number connection to a peer so that the peer will be able to handle messages sent to and from the peer.

One ordinary skill in the art would have been motivated to combine the teachings of Mahe, Narayan, Pessach Damm, Oommen and Sitaraman in order to limit the number connection to a peer so that the peer will be able to handle messages sent to and from the peer.

As per claims 20,25,30, do not teach or further define over the limitations in claim 9. Therefore claims 20,25,30 are rejected for the same reasons set forth above.

Response to Arguments

All previous rejections/objections are withdrawn due to applicant's amendments.

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/B. T./
Backhean Tiv
Examiner, Art Unit 2451
12/4/08

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451